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THE CROFTER, THE LAIRD AND THE AGRARIAN SOCIALIST: THE HIGHLAND LAND QUESTION IN THE 1970s

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The Highlands fit uneasily and insecurely into the British political system. As the underdeveloped, thinly populated periphery of a predominantly industrial state, north and north-west Scotland seem fated to suffer from governmental neglect of a kind which would be inconceivable in less heavily industrialised European countries such as Norway — where districts with problems not unlike those of the Highlands still exercise an occasionally decisive electoral influence. There are, to put the matter bluntly, few votes to be won in northern Scotland. And Britain's urban-orientated party structure has, moreover, developed in such a way as to ensure that while the Highlands' traditional ruling class, its landlords, have generally been able to count upon the Conservatives to defend their position, the mass of ordinary Highlanders have had no national political voice since the demise of the radical, rural-looking Liberalism personified by the young Lloyd George. For the greater part of this century, in other words, there has been no identity of interests between those Highlanders who favour reforming the region's landlord-dominated agrarian structure and the only political organisation likely to effect such a reform: the Labour and trade union movement.

What applies to the Highlands considered as part of Great Britain, remains applicable in an exclusively Scottish context — with one significant and slightly puzzling reservation. Scottish politics are predominantly urban politics also. And Scotland's most pressing requirement, as is all too apparent in the central belt, is the implementation of policies designed to regenerate an increasingly derelict industrial society. In such circumstances,

it would be perfectly understandable, if a little regrettable, to find little or no attention being paid to the peculiar difficulties confronting the handful of Scots who still live and work in the Highlands. But that is very far from being the case. Highland problems, and the Highland land question in particular, remain capable of arousing more passion and fervour than just about any other Scottish political issue — not always excepting that relative newcomer, devolution.

The origins of this phenomenon remain mysterious; and it cannot currently be explained in terms much more intelligible than those which assume the existence of some sort of collective guilt complex about the Highland Clearances and what caused them. But whatever its causes, there is no doubt as to the strength of Lowland concern about the Highland future. It is regularly demonstrated on the letter page of *The Scotsman* — that perennially fascinating index of Scottish obsessions. It is equally regularly observable in the House of Commons — where anxiety about the Highlands' agrarian structure has been expressed more frequently in this Parliament by MPs like Dennis Canavan and Margaret Bain, the Labour and Nationalist representatives of West Stirlingshire and East Dumbartonshire, than by many of the members sent south by Highland constituencies. It is presumably responsible for the fact that the editors of *The Scottish Government Yearbook 1979*, thought it worth requesting a fairly hefty slab of print about the Highland land problem. And because of the Highlands' peripheral status, it offers the only substantial hope of ever mounting the political pressure needed to solve that problem once and for all.

During the present decade, while the solution has been brought little closer, the nature of the problem has at least been more clearly defined: by the often embittered debate about the merits or demerits of the Crofting Reform (Scotland) Act 1976; by renewed attempts to probe the long-standing mystery of who precisely owns the Highlands; by the intrusion of foreign land-owners into an area previously reserved for the native breed; and by The Highlands and Islands Development Board's belated, but nevertheless welcome, discovery that, in words used by board chairman Kenneth Alexander in his foreword to the HIDB's annual report for 1976, "a sound approach to land use can contribute more to the economic health of every part of the Highlands and Islands than any other single policy".

Traditionally, crofting has extended from Orkney and Shetland in the north through the crofting counties of Caithness and Sutherland, Ross and Cromarty, Inverness and Argyll to its heartland in the Western Isles. The 1976 reform of crofting law was, in many respects, long overdue. Changing circumstances had rendered the protection offered by earlier legislation inadequate. To take one glaring example, in 1886 crofters had won the right to security of tenure — thus terminating the era of clearance and eviction. But that right applied only as long as croft land was used for agricultural purposes. A change in land use could still lead to a crofter losing all or part of his holding. And though compensated financially for his loss, the crofter was entitled only to a sum based upon the affected land's agricultural value — development value accruing to the landlord. For a long time, that anomaly did not matter very much — for the simple reason that non-agricultural developments were few and far between. More recently, because of commercial pressures associated with tourism and the beginnings of Highland industrialisation, it came to matter a great deal. Individual landlords profitted substantially from the sale of croft land; while the crofters concerned had to be content with the pittance awarded them by a Scottish Land Court which was bound and fettered by an obviously outmoded law. The 1976 Act, by entitling crofters to a share in their land's development value, brought that situation to an end.

But it was not on account of such relatively minor benefits that Parliament's most recent venture into the thorny field of crofting legislation was described by the Crofters Commission, in their annual report for 1976, as marking "the beginning of what may possibly be the most important period in the evolution of crofting since 1886". Nor was it on account of clauses relating to development value and other essentially subordinate matters that the reform measure became the cause of a good deal of political controversy — controversy which was, admittedly, more in evidence in the Highland press and within the Labour Party than among crofters themselves.

The Crofting Reform Act was designed primarily to give crofters the option of becoming the owners, rather than the tenants, of both their homes and their holdings. This was, in a sense, the logical conclusion to a process initiated 90 years earlier — the process, that is, of enhancing crofters' legal rights at the

expense of those of their landlords. But it was also, despite the many conditions and restrictions imposed upon the subsequent resale of croft land, an undoubted step in the direction of exposing crofters to market forces from which they had previously been sheltered by their unique tenurial status. To the Act's advocates, notably the Crofters Commission, this seemed no bad thing. By deciding to buy their holdings, it was argued, crofters could free themselves from the restrictions which the old order imposed on enterprise and initiative — thus enabling the crofting community as a whole to take advantage of commercial opportunities made available by developments such as the expansion of the tourist trade and the arrival of oil-related industry.

An alternative analysis of the legislation's likely consequences was provided by the Act's Labour Party critics. It would, they declared, bring about the eventual demise of crofting and the crofting way of life by exposing crofting townships to the activities of holiday home purchasers, land speculators and other socially and culturally disruptive elements. The Act, in short, was condemned as a betrayal of socialist principles — a defect thought to be compounded by its being arguably a breach of party policy. Labour's own committee on crofting questions had come out in favour of public ownership of croft land. So had the party's Scottish conference. Harold Wilson's administration nevertheless refused to abandon its own reform proposals — proposals which, apart from minor changes designed to reduce the purchase prices likely to be paid by crofters who opted for ownership, were essentially those placed before Parliament by the previous Conservative government. This refusal to take cognizance of majority Labour opinion in Scotland predictably provoked angry resignations from the committee responsible for the public ownership policy — notably those of Inverness author Allan Campbell McLean and Skye-based journalist Brian Wilson, then prospective Labour candidate for Ross and Cromarty.

Which, if either, of these opposing views of the Reform Act's significance will prove to be correct is still impossible to ascertain. On present evidence, however, both the hopes and fears expressed at the time of the legislation's passage through Parliament seem decidedly exaggerated.

Purchase prices are nothing if not reasonable. A crofter can become the outright owner of his home for around £5 — a sum

which appears derisory until it is realised that crofters, unlike tenant farmers, have always been responsible for providing their crofts with houses and other buildings. Prices for entire holdings, certainly those on the west coast, in the Hebrides and in Shetland, seem unlikely to greatly exceed £100. And while some estate managements have discouraged their tenants from taking advantage of the new Act by — in words used by Crofters Commission chairman James Shaw Grant — “tendering gratuitous advice of a questionable nature”, landlords have made no general effort to resist reform.

Those crofters who have become owner-occupiers have done so for reasons anticipated by the Commission. In some instances, a small piece of a croft has been bought to provide a house site for a friend or relative — thus helping to ease the housing shortage which characterises many parts of the Highlands. Portions of other holdings have been acquired in order to initiate enterprises based upon the tourist trade. And some surplus croft houses have been bought and resold to raise capital for agricultural improvements. The Crofters Commission take some pride in such developments. But they cannot disguise the fact that there has been no rush to buy. No doubt, as the Commission point out, many purchases are still underway. Perhaps, as they maintain, interest in ownership should not be taken as the sole yardstick of the reform measure's effectiveness. There remains, however, a very awkward and undismissable set of statistics. The Highlands and Islands contain around 18,000 crofts. At the end of 1977, eighteen months after the Reform Act's implementation, the Crofters Commission had been notified of the purchase of only 78 whole crofts, ten part crofts and 48 house sites. In the Outer Hebridean heartland of the crofting community, the position was summed up thus by Western Isles Crofters Union secretary, Donald John MacQueen: “The Reform Act has made absolutely no impact here.” And that, if present trends are maintained, may well turn out to be the controversial legislation's epitaph.

The causes of this state of affairs remain largely unexamined. They are unlikely, however, to differ fundamentally from those which brought about the failure of attempts made around 1900 to persuade a previous generation of crofters to become owner-occupiers or, in the jargon of the day, “peasant proprietors” — a transformation then being implemented in Ireland. The crofters

of 80 years ago preferred tenancy to ownership because, given the security of tenure and low rents which were the major consequences of the original Act of 1886, tenancy was considerably more advantageous in financial terms; and because, for reasons rooted deep in Highland history, the very concept of private ownership of land was viewed with considerable suspicion and dislike. The present generation of crofters, though less steeped in Gaelic tradition than their grandfathers, have little incentive to adopt a radically different course of action. And, so far at any rate, they have not done so.

Whether as tenants or owner-occupiers, few crofters can make an adequate living from their crofts — their household finances being consequently dependent on the availability of employment additional to that provided by their holdings. By itself, therefore, no reform of crofting tenure can solve the crofting community's problems. More and better jobs are also required; and their creation depends upon the growth and diversification of the regional economy as a whole. That is not to say, however, that land reform has no part to play in the general development process. On the contrary, its role may eventually prove crucial — but only if reform measures are extended outwith the crofting sector and applied to the entire agrarian structure of which crofting is a relatively small and well-protected part. The keystone of that structure is the power of private landlordism.

The precise nature of Highland land ownership patterns remains uncertain — largely because successive governments have refused to establish a comprehensive system of land registration. But two recent books have demonstrated that, in the century which has elapsed since the last official enquiry into the Highland land system, that system's dominant characteristic has remained the concentration of ownership of northern Scotland's basic natural resource, its land, in the hands of a very small number of people and institutions.

The books in question are: *Who Owns Scotland?*, by retired forestry expert John McEwen¹; and *Agrarian Change in the Scottish Highlands*, by George Houston, an agricultural economist, and John Bryden, head of the land division of the Highlands and Islands Development Board.² McEwen's work is that of a life-long Socialist committed to land nationalisation. Bryden and Houston adopt a more detached approach. But both

assessments of current land ownership come to very similar conclusions — the general tenor of these conclusions being indicated by Bryden and Houston's finding that some 35 families or companies possess no less than one third of the Highlands' 7.39 million acres of privately owned land.

McEwen, whose cordial detestation of private landlordism and all its works has not been diminished by his 90 years, concluded that his discoveries implied a need for the prompt addition of those 7.39 million acres to the 1.60 million already in public ownership. The Duke of Buccleuch, with the authority lent him by his own 277,000 acres, reacted to this suggestion by describing John McEwen's book as a "joke" and people who adhered to John McEwen's views as "cranks". No public opinions were proffered by the Wills family, Lord Seafield or the Countess of Sutherland — the proprietors of estates weighing in at 263,000 acres, 185,000 acres and 158,000 acres respectively. But in the aftermath of the controversy caused by the publication of *Who Owns Scotland?*, that most effective pressure group, the Scottish Landowners Federation, felt it necessary to hold a press conference to proclaim that (despite contrary allegations made by what *The Scotsman* called Scotland's "somewhat strange band of agrarian socialists") all was fundamentally well with the existing land ownership structure — except, not unexpectedly, for the increasingly heavy capital taxation to which federation members were said to have been subjected by recent governments.

The "agrarian socialists" remained unconvinced. One of them, Danus Skene of the Scottish Labour Party, had previously written a discussion paper on SLP rural land policy in which he had commented: "No international agricultural aid programme in a developing country would contemplate investment or change without land reform as a prior condition if it was faced with a land tenure pattern as elitist as Scotland's". If Scotland were in a position to apply for international development aid, in other words, such aid would be refused until a land reform programme had been initiated. The statistics produced by McEwen, Bryden and Houston do nothing to discredit Skene's opinion — an opinion based, incidentally, on first hand experience of the position in the Third World. And there are plenty of examples of the type of abuse which might well bring about the aid refusal which Skene thought likely.

Suppose, for instance, it is decided to construct a publicly funded road in order to open up a previously underdeveloped locality. Suppose that the resulting highway gives access to derelict homes — originally abandoned because of the absence of such access. Suppose that, not content with the compensation received for the land occupied by the road and the overall benefit which his estate derives from its construction, the local landowner sells the newly available dwellings to people who have no connection with the district but who are prepared to pay high prices for the privilege of holidaying in a remote and scenically beautiful area for three or four weeks each summer. The landlord and the holiday-home purchasers thus benefit substantially from the new road. The local population, inevitably outbid for the houses in question, benefit not at all; and the cycle of decline is scarcely even interrupted. Such occurrences would not be tolerated in Africa or Asia by the far from revolutionary gentlemen who run the World Bank and kindred agencies. But they can and do happen in the Highlands — and for reasons identical to those underlying the mass evictions of 150 years ago. As long as the Highlands and Islands are parcelled out among a tiny minority of monied men there will be an irresistible tendency for the pursuit of private profit to take precedence over the interests of the community as a whole.

The most generally evident example of this tendency is to be found in the declining level of Highland agricultural production. This decline, particularly marked in the sheep farming sector, has no simple cause. But it cannot be divorced from the landownership system — especially since that system is characterised by the possession of land for purposes which are essentially unrelated to its agricultural potential. Among such purposes might be included the ownership of land for reasons relating to sport, financial speculation or mere social aspiration — the latter being a far from minor consideration in a Highland context. Any or all of those influences on estate management policies operate to the disadvantage of sound husbandry — as well as to the disadvantage of communities which might otherwise possess comparatively favourable economic prospects. And while there is nothing new about this situation, as is confirmed by even the most rudimentary acquaintance with the facts of Highland history, it has been the subject of renewed controversy of late — largely as a result of the purchase of substantial tracts

of the Highlands by foreign companies and individuals.

The nature and extent of external involvement in the Scottish land market is the subject of a recent study by two Scottish academics — Tony Carty of Glasgow University's law department and Strathclyde University sociologist, John Ferguson.³ Some of the transactions which Carty and Ferguson examine are frankly speculative — turning on the purchase of estates which are subsequently broken up and resold at occasionally enormous profits. Others involve the acquisition of large tracts of territory — apparently with a view to developing their tourist and sporting potential. One of the biggest such investors is the Enessey Company Limited of Lausanne, Switzerland, whose properties include the 61,000 acre Mar Lodge Estate in Aberdeenshire, the 15,000 acre Tulchan Estate in Moray and the 62,500 acre North Harris Estate in the Western Isles. But the Enessey Company's activities have been assiduously emulated by a whole host of individual businessmen and financiers — among them men like the Dutch cattle dealer, Johannes Hellings, who owns the Kindeace Estate in Easter Ross and the Waternish Estate in Skye; and the Dubai-based Egyptian petrodollar millionaire, Mohammed Al Fayed, one of whose companies, Bocardo Société Anonyme of Lichenstein, has bought 3,463 acres of farmland in the north-east and the Highlands at a cost of £1,417,316.

Occurrences of this kind naturally push up land prices and make it increasingly difficult for young, working farmers to obtain land of their own; while such is the secrecy surrounding many land transfers, and so complex are the ownership structures of the companies involved, that some Highland communities are completely ignorant as to the true identity of their landlords. That is the unavoidable result of Scotland's lack of a land register; just as the entire phenomenon of external land ownership is the inevitable consequence of this country's uniquely free land market — combined with the obvious attractions of land prices which are, by continental standards, extremely low.

The state of affairs which Carty and Ferguson describe could not occur elsewhere in Western Europe — for the simple reason that other European countries possess legislation designed to prevent such a situation ever arising. That legislation exists, Carty and Ferguson conclude, because European governments of

widely-varying political persuasions have long been agreed on their duty to protect farmers, and the rural population generally, from commercial and speculative pressures of the type which are so evident in Scotland. The British Government is the exception — exercising no controls over land purchase and, almost unbelievably, making only a token effort to ascertain a buyer's identity.

Land deals involving foreigners are consequently not confined to the Highlands and are, indeed, particularly prevalent in southern England — a fact which, to cynics at least, explains why they have been the subject of an official investigation by the clumsily entitled Committee of Inquiry into the Acquisition and Occupancy of Agricultural Land (Northfield Committee). Allan Campbell McLean characteristically described this particular exercise as “an excellent example of Labour governments' unerring instinct for setting up inquiries composed of people who will ensure that the *status quo* remains totally unchanged”. The committee's composition certainly indicated that its members had not been selected by a Minister hell-bent on reform; while these same members' performance at their solitary sitting in northern Scotland in March 1978 reinforced the opinion that, as far as Highland land policy was concerned, they were actually lagging well behind other officially-sponsored organisations, notably the Highlands and Islands Development Board.

It was symbolically appropriate that the HIDB's present chairman should have expressed mounting concern about the landownership issue while on a visit to Raasay — the Hebridean island which has become a monument to proprietorial neglect and indifference. Standing outside the once magnificent Raasay House, now empty, abandoned and vandalised, Professor Kenneth Alexander said simply: “This is a tragedy.” Criticising the way in which Raasay's considerable economic potential had remained unexploited while the island's population had inexorably wasted away, he added: “I really have to say, quite frankly, that this is associated with the ownership of these assets.” With a caution entirely typical of the way the HIDB has always been conducted, Professor Alexander immediately qualified his comments by pointing out: “This is a particular anti-landlord remark, not a general anti-landlord remark.” Even “particular anti-landlord remarks”, however, had never been heard to emanate from the

Professor's predecessors. And at that moment in September 1976, the impression was created that the HIDB were at last considering decisive action on the land reform front.

Such action, it is arguable, should have been taken when the board was inaugurated ten years earlier. That, at least, was what MPs seemed to have in mind when they passed the Highlands and Islands Development (Scotland) Act — the measure which brought the HIDB into existence. The Labour government of the day, in the person of Scottish Secretary Willie Ross, then stated categorically: "Land is the basic natural resource of the Highlands and any plan for economic and social development would be meaningless if proper use of land were not a part of it." Noting that the Hill Lands (North of Scotland) Commission had identified "the existing rights of possession and occupation" as one of the major limitations on land development in the Highlands, Ross concluded by remarking that the removal of such constraints was "the purpose of the powers in relation to land which the board will have".

Statements like these were responsible for the occasionally hysterical outcry with which the founding of the HIDB was greeted by the Highlands' landed establishment. In the event, however, the possessors of broad acres were left utterly unmolested by the denizens of the Board's Inverness headquarters. And, while the suspicion remains that this was largely because the original Board lacked the will to embark upon far-reaching agrarian reform, it now appears that a subsidiary reason for their failure to implement the Secretary of State's intentions was their lack of the necessary powers. That, at any rate, is the present Board's explanation of the fact that, 13 years after Willie Ross pronounced their death-knell, Highland landlords continue to prosper exceedingly while the problems of the rural Highlands remain depressingly unsolved.

The basic procedural difficulty confronting the Board is that its land acquisition powers are similar to those possessed by local authorities. These powers are perfectly adequate for obtaining land needed for specific purposes — such as the building of a school, a housing estate or a hospital. But they are quite inappropriate, as is remarked in the HIDB's annual report for 1976, "for the acquisition of relatively large tracts of land over most of which the main use will be agriculture or forestry". Hence the Board's view, contained in the same annual report,

that "there is a need for it to be able to act . . . where there are obvious examples of underuse or mismanagement of land which are hindering the development of rural communities or even endangering their future existence". And hence the HIDB's decision to request an extension of its powers to acquire and control land.

Board members have been at pains to play down the significance of this request by stressing repeatedly that the sought-for powers would constitute no more than a rarely employed ultimate sanction for use against unusually recalcitrant landlords. If granted, however, those powers would undoubtedly make possible a fairly formidable assault against the bastions of landed power in the Highlands. That is why anyone familiar with the long and largely ineffective campaign to ensure the better use of the Highlands' natural resources must suspect that Parliament is most unlikely to accede to the HIDB's demands.

This paper thus returns to its starting point. For while Highland problems have ranked high on the Westminster agenda only when, as happened in the 1880s, Highlanders have promoted their interests by decidedly violent means, that may not necessarily be true of a Scottish Assembly. There is justifiable apprehension in northern Scotland that many members of any future Scottish legislature will be unable to see beyond the undeniably urgent needs of the central belt. But there is also evidence, as already noted, that many Lowland Scots care deeply, if not always knowledgeably, for the Highlands. And there is no reason why that feeling should not manifest itself in support for a Highland land reform programme.

The case for such a programme is usually presented in purely material terms. Its biggest immediate impact, however, might well be psychological. The Highlands and Islands today, for all their continuing difficulties, are much better placed economically than was the case ten or twenty years ago. There is a new air of confidence in the region — evident in young Highlanders' increasing unwillingness to migrate southwards; evident, too, in the cultural and linguistic revival which is most apparent in the Western Isles but which is increasingly discernible in other districts also. But over this awakening there still broods the Highlands' landlord class — rightly associated with two centuries of exploitation, misery, depopulation and decay. That class deserves to be removed on many counts; but not least because

the destruction of Highland landlordism would, more than any other single development, demonstrate that a new and better era had at last begun in northern Scotland. There are few more appropriate tasks for a restored Scottish Parliament to undertake.

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